

# House of Representatives

# Supplementary Order Paper

**Tuesday, 4 March 2014**

## Electoral Amendment Bill

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### *Proposed amendments*

Holly Walker, in Committee, to move the following amendments:

#### *Clause 24*

Replace *clause 24* (lines 10 to 22 on page 27) with:

**24 New section 156A inserted (Enrolment confirmation cards)**

After section 156, insert:

**“156A Enrolment confirmation cards**

- “(1) Before any election, the Commission may issue to any elector a document that confirms the elector’s eligibility to vote at that election if the elector—
- “(a) is on the main roll or on a supplementary roll; or
  - “(b) would, but for a direction under section 115, be on the main roll or on a supplementary roll.
- “(2) Every enrolment confirmation card must be in a form approved by the Commission and contain the following particulars:
- “(a) the election for which the enrolment confirmation card is issued:
  - “(b) the elector’s name:
  - “(c) the elector’s address, except where a direction under section 115 applies to the elector:
  - “(d) the name or any other identifier of the electoral district in respect of which the elector is eligible to vote:
  - “(e) the page and line number where the elector’s name appears on the main roll or on a supplementary roll or, if a direction under section 115 applies to the elector, a number assigned by the Commission to the elector for

the purpose of confirming the elector's enrolment for that election:

“(f) a machine-readable code containing any of the information specified under **paragraphs (a) to (e)**:

“(g) any other matter, other than a photograph of the elector, that the Commission may include to identify the document as an enrolment confirmation card and to inform electors about voting at the election or to enable the elector to access that information.

“(3) Every enrolment confirmation card issued under this section continues to be the property of the Commission.”

*New clauses 25 to 28*

Before *clause 29* (line 23 on page 27), insert:

**25 Section 157 amended (Materials for polling places)**

(1) After section 157(1)(c), insert:

“(ca) 1 or more containers designated by the Returning Officer for the secure storage of enrolment confirmation cards.”

(2) In section 157(1)(d), delete “and supplementary rolls”.

**26 Section 163 amended (Ballot box to remain closed during poll)**

(1) In the heading to section 163, after “**Ballot box**”, insert “**and container for enrolment confirmation cards**”.

(2) After section 163(4), insert:

“(5) This section applies with all necessary modifications to every container designated by the Returning Officer for the secure storage of enrolment confirmation cards.”

**27 Section 167 replaced (Issue of ordinary ballot papers)**

Replace section 167 with:

**“167 Issue of ordinary ballot papers**

“(1) An elector may apply to vote by—

“(a) giving an issuing officer the enrolment confirmation card that has been issued to the elector for the current election; or

“(b) informing an issuing officer of the particulars that are necessary to locate the elector's name on the rolls.

“(2) If the elector gives the issuing officer the elector's enrolment confirmation card, the issuing officer must promptly place the enrolment confirmation card in the container designated for the secure storage of those cards.

- “(3) If the issuing officer locates the elector’s name on a roll under **subsection (1)(b)**, the issuing officer must mark the roll to indicate that the elector has applied to vote.
- “(4) After receiving the enrolment confirmation card or locating the elector’s name on a roll, the issuing officer must,—
- “(a) if the consecutive number printed on the ballot paper can be read without the aid of technology, ensure that a piece of gummed paper is firmly fixed over that number on the ballot paper to conceal it effectively:
- “(b) write on the counterfoil of the ballot paper—
- “(i) the issuing officer’s initials; and
- “(ii) the page and line number where the elector’s name appears on the roll or the number assigned to the elector under **section 156A(2)(e)**:
- “(c) ensure that the official mark of the issuing officer is placed on the ballot paper to indicate that it was issued by an authorised person:
- “(d) issue the ballot paper to the elector.
- “(5) **Subsection (4)(b)(ii)** overrides section 150(14) and form 13.
- “(6) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who, being an issuing officer, fails to comply with the requirements of this section.”

**28 Section 174A amended (Ballot papers, etc, to be compiled, certified, and sent to Returning Officer)**

After section 174A(1)(a)(iii), insert:

- “(iiia) the enrolment confirmation cards that electors have given to issuing officers under **section 167(1)(a)**.”.

*New clauses 31 to 36*

Before *clause 39* (line 28 on page 30), insert:

**31 Section 176 amended (Marked copies of rolls to be compared)**

- (1) After section 176(1)(a)(iii), insert:
- “(iv) the enrolment confirmation cards that have been sent to the Returning Officer under section 174A; and”.
- (2) Replace section 176(1)(b)(iii) with:
- “(iii) whose name is shown on an enrolment confirmation card that has been sent to the Returning Officer under section 174A; or
- “(iv) whose name is shown on the list of post-writ day deletions.”
- (3) After section 176(1), insert:

- “(1A) No printed roll may be marked to indicate that the enrolment confirmation cards sent to the Returning Officer under section 174A include a card for an elector whose name may not be published under a direction under section 115, but the Returning Officer must note that fact on electronic records—
- “(a) that are held by the Electoral Commission; and
  - “(b) that the Returning Officer is, except for the elector’s address, able to access for the purposes of the scrutiny.”
- (4) In section 176(4), after “has been noted,”, insert “and the enrolment confirmation cards that have been sent to the Returning Officer under section 174A,”.

**32 Section 187 amended (Disposal of ballot papers, rolls, etc)**

After section 187(1A)(b)(ii), insert:

- “(iia) the enrolment confirmation cards that have been sent to the Returning Officer under section 174A.”.

**33 Section 190 amended (Papers taken from parcels as evidence in certain cases)**

- (1) In section 190(1),—
- (a) after “copy of a roll,”, insert “and any enrolment confirmation card,”;
  - (b) after “if a roll”, insert “, enrolment confirmation card,”.
- (2) In section 190(2), after “any roll so certified as of”, insert “, or on any enrolment confirmation card used at,”.

**34 Section 196A amended (Unlawful possession of ballot paper)**

In section 196A(1), after “ballot paper”, insert “or enrolment confirmation card”.

**35 Section 201 amended (Offences in respect of ballot papers and ballot boxes)**

- (1) In section 201(1)(a), after “destroys any ballot paper”, insert “or any enrolment confirmation card”.
- (2) In section 201(1)(b), after “ballot paper”, insert “or any enrolment confirmation card”.
- (3) After section 201(1)(d), insert:
- “(da) fraudulently gives an issuing officer an enrolment confirmation card that relates to another person or that has been altered without due authority:

- “(db) fraudulently gives an issuing officer a document that purports to be, but that is not, an enrolment confirmation card:
  - “(dc) fraudulently puts an enrolment confirmation card into a container designated by the Returning Officer for the secure storage of enrolment confirmation cards:
  - “(dd) fraudulently removes an enrolment confirmation card from a container designated by the Returning Officer for the secure storage of enrolment confirmation cards.”.
- (4) In section 201(1)(e), after “ballot papers,”, insert “or a container or packet containing enrolment confirmation cards,”.

**36 Section 202 replaced (Property to be stated as being in Returning Officer)**

Replace section 202 with:

**“202 Property to be stated as being in Returning Officer**

In any prosecution for an offence in relation to any ballot boxes, ballot papers, enrolment confirmation cards or containers designated for the secure storage of such cards, or marking instruments at an election, the property in the boxes, ballot papers, containers, enrolment confirmation cards, and instruments may be stated as being in the Returning Officer.”

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**Explanatory note**

This Supplementary Order Paper amends the Electoral Amendment Bill by reinstating the text of clauses 24 to 28, 31 to 34, 37 and 38, which relate to the use of EasyVote cards. These clauses were included in the bill as introduced, however the Justice and Electoral Committee recommended that they be taken out. This Supplementary Order Paper seeks to return them to the bill. These clauses relate to a new process known as EasyVote Express. This process was first raised by the Electoral Commission during the Justice & Electoral Committee’s inquiry into the 2011 General Election. The Commission recommended amending Part 6 of the Electoral Act 1993 to allow EasyVote cards to be used as the record that an ordinary or special vote has been cast, and to be scanned after election day to compile the master roll electronically. It was argued that this process would speed up, simplify, and improve the accuracy of the currently manual processes of issuing ballot papers and recording votes on election day, and compiling the master roll during the scrutiny process. This proposal was included as a recommendation from the select committee in its report on the Inquiry into the 2011 General Election to the House. This recommendation was then included in the Electoral Amendment Bill when introduced. During the select committee consideration of the Electoral Amendment Bill, the clauses implementing this process were removed. It appears that this decision was based on concern that

changes could increase the likelihood of fraud. In actual fact, this new process does not change the use of the card and would actually makes it easier to identify instances of fraud.

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